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Attorneys for Mr. Carlos Estrada-Jimenez

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
**(HONORABLE JANIS L. SAMMARTINO)**

UNITED STATES OF AMERICA, ) CASE NO. 07cr3209-DLS  
v. )  
Plaintiff, ) DATE: December 21, 2007  
CARLOS ESTRADA-JIMENEZ, ) TIME: 1:30 p.m.  
Defendant. ) NOTICE OF MOTIONS:  
 ) (1) TO COMPEL DISCOVERY;  
 ) (2) TO DISMISS THE INDICTMENT  
 ) DUE TO MISINSTRUCTION;  
 ) (3) TO DISMISS INDICTMENT FOR  
 ) FAILURE TO ALLEGGE ELEMENTS;  
 ) (4) TO STRIKE SURPLUSAGE;  
 ) (5) TO PRODUCE GRAND JURY  
 ) TRANSCRIPTS;  
 ) (6) TO SUPPRESS STATEMENTS;  
 ) AND,  
 ) (7) FOR LEAVE TO FILE FURTHER  
 ) MOTIONS

TO: KAREN P. HEWITT, UNITED STATES ATTORNEY, AND  
PAUL COOK, ASSISTANT UNITED STATES ATTORNEY:

23 PLEASE TAKE NOTICE that on December 21, 2007, at 1:30 p.m., or as soon  
24 thereafter as counsel may be heard, the defendant, Carlos Estrada-Jimenez, by and through  
25 his counsel, Robert Rexrode, will ask this Court to enter an order granting the following  
26 motions.

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## **MOTIONS**

The defendant, Carlos Estrada-Jimenez, by and through his attorney, Robert Rexrode, pursuant to the United States Constitution, the Federal Rules of Criminal Procedure, and all other applicable statutes, case law and local rules, hereby moves this Court for an order:

- 1) to compel discovery;
- 2) to dismiss the indictment due to misinstruction;
- 3) dismiss the indictment for failure to allege elements;
- 4) to strike surplusage;
- 5) to produce grand jury transcripts;
- 6) to suppress statements; and,
- 7) for leave to file further motions.

These motions are based upon the instant motions and notice of motions, the attached statement of facts and memorandum of points and authorities, and all other materials that may come to this Court's attention at the time of the hearing on these motion.

Respectfully submitted,

Dated: December 14, 2007

/s/ Robert H. Rexrode  
**ROBERT H. REXRODE, III**  
Attorneys for Mr. Estrada-Jimenez  
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